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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,627	10/12/2001	Ramesh Radhakrishnan	CISCP717	1647
26541	7590	11/29/2004	EXAMINER	
RITTER, LANG & KAPLAN 12930 SARATOGA AE. SUITE D1 SARATOGA, CA 95070			SHAH, KAMINI S	
		ART UNIT	PAPER NUMBER	
		2142		

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/976,627	RADHAKRISHNAN ET AL.
Examiner	Art Unit	
Kamini S Shah	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 13 June 2002.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-33 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-33 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)                    4)  Interview Summary (PTO-413)  
 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)                    Paper No(s)/Mail Date. \_\_\_\_\_.  
 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 6/13/02.                    5)  Notice of Informal Patent Application (PTO-152)  
 6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Doshi et al 5,222,061.

Regarding to claim invention, Doshi et al describes in the background of the invention, data transmission system, wherein a transmitter transmits data packets to an intended receiver via a path which may include, for example, a packet network, in which each packet is associated with a respective sequence number. The receiver transmits to the transmitter control packet containing information identifying those data packets that were received correctly. Such information could be in the form of a bit map, in which the order of the bits corresponds with the order of the sequence numbers of data packets that were received correctly, incorrectly or not at all at the receiver. Furthermore Doshi et al discloses that upon receipt of the control packet, the transmitter retransmits those numbered packets which receiver identified in the bit map as being received incorrectly or not at all, see col. 1, lines 10-34.

Regarding to claim 2, Doshi et al teaches transmitter 100, which includes a generation of sequence numbers, appending such sequence numbers to respective data packets

that are to be transmitted to receiver 200 and the retransmission of those data packets which were not received correctly at receiver 200, see col. 3, lines 1-6.

Regarding to claim 3, Doshi et al teaches controller 120 which stores a copy of the transmitted data packet in retransmit memory buffer 105, see col. 3, lines 36-38.

Regarding claim 4, Doshi et al disclose transmitter 100 constitute of the transmitter section of data terminal contained within a packet switch or host computer or within an interface unit disposed between the host computer and a network, see col. 2, lines 44-47.

Regarding claim 6, Doshi discloses controller 120 which stores a copy of transmitted data packet in retransmit memory buffer 105 at a location that is index by the current sequence number, see col. 3, lines 36-38.

Regarding to claim 7, Doshi teaches a receiver 200 as a claimed second node, for comprising functions such as receiving data packet by checking sequence numbers, forming bitmap information such as generation of sequence numbers to respective data packets that are to be transmitted to receiver and retransmission of those data packets which are not received correctly at receiver, see col. 2, lines 65 through col. 3, lines 1-6.

Regarding claims 8-11, Doshi discloses claimed subject matter in figure 10, including flow chart for administers timer and acknowledge receipt, and data packets associated with sequence number see, col. 9, and lines 15-40.

Regarding claims 12-15, 16-17, 23-26, 28, claims recite similar subject matter as in claims 1-6, and therefore the claims are rejected for the similar reasons.

Regarding to claims 5,16, and 27, the claimed protocol DOCSIS MAC for transmitting data, is known to those skilled in the art for the communication between host and network with Internet. Additionally, it's a standardize architecture for IP-based services over the cable network, this standard defines a Medium Access Control "MAC" layer for a cable modem to initialize cable modem termination system.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6,697,864 disclose protocol DOCSIS MAC for transmitting data, see col. 7, lines 30-50.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamini S Shah whose telephone number is 571-272-2279. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kamini S Shah  
Primary Examiner  
Art Unit 2142

kss